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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/767,463 | 01/23/2001 | James Logothetis | 10722-253 | 2767 |
| 27383 | 7590 | 04/07/2004 | EXAMINER | |
| CLIFFORD CHANCE US LLP 200 PARK AVENUE NEW YORK, NY 10166 | | | PHAN, THIEM D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3729 | |

DATE MAILED: 04/07/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|----------------------|-------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/767,463 | LOGOTHETIS, JAMES |
| | Examiner Tim Phan | Art Unit 3729 |

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 January 2004.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 9-16 and 25 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 9-16 and 25 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Requests filed in Paper No. 13 & 14 (filed 1/22/04) has been duly considered and made of record.
2. The rejection of claims 9-16 and 25 which were rejected in Office Action mailed on or about 22nd July 2003 under 35 USC 102 or 35 USC 103; these claims are rejected under either 35 USC 102 or 35 USC 103 herein for substantially the same reasons as provided in the previous Office Action which is incorporated herein and made a part hereof.

Interview

3. A telephone call was made to the office of James V. Mahon (212-878-8073) on March 5th & 12th, 2004 to grant an interview as requested, but did receive an acknowledgment to postpone the interview until further notice.

Response to Arguments

4. Applicant's arguments filed 1/22/04 have been duly considered but they are not persuasive for the following reasons:

The Office's position states that the '729 teaches a manufacturing process of stripline architecture which reads on all Applicant's claimed invention, including all the elements of claim 9. The '729 presents several ground planes (Cf. Fig. 6B, elements 214, 206, 194 & 202) where the striplines or transmission line portions (elements 210, 190 & 198) are sandwiched in between.

Applicant recites *inter alia*: "What Swarup teaches ... This doe not make them stripline transmission line couplers. ... Swarup's teaching of lumped elements ... does not disclose or suggest stripline transmission line couplers." (Cf. Remarks, page 2, paragraph 2; page 3, paragraph 1). The '729 teaches many transmission line "couplers" in the stripline circuit invention, including a three-port coupler and a four-port coupler with stripline or lumped elements etched to the structure of the coupling circuit (Cf. Fig. 1-7B; Col. 4, lines 11 ff.; Col. 5, lines 15-44; lines 58 ff.; Col. 6, lines 3-9; 16 ff.; ...).

Applicant appears to argue that the lumped elements in the '729 prior art are not a part of the transmission line signal coupler (Cf. Applicant's remarks, Page 3, paragraph 1; lines 27 & 28). The '729 teaches the lumped elements that create a network circuit necessary to match the

impedance and phase shift of the coupler circuit (Cf. Col. 6, lines 3ff.). These lumped elements are required for any coupler.

Applicant further urges that the mathematical properties of the stripline transmission couplers of the present invention (Cf. Applicant's remarks, Page 2, paragraph 3) are different from the properties of the '729; the argument appears to be irrelevant inasmuch as these properties are not claimed.

In microwave technology passive resistors, capacitors or the like are shape-etched into stripline architecture. Capacitors and spiral inductors of the '729 are not lumped as bulky components. A coupler (Cf. The '729, Fig. 6A, elements 32, 34, 52 & 54) is a device that can have four terminals or four port network characterized by its coupling factor, k, and its matching impedance at a specified frequency. A "coupler" always requires a network circuit to match the necessary impedance, phase shift of the circuit to be coupled to. That network circuit is defined by "lumped" elements (Cf. The '729, col. 6, lines 3 ff.).

5. Claims 9-16 and 25 stand rejected as articulated in the Office Action filed on or about 7/22/03 and in Responses to Remarks in paragraph 4 above.

It appears that Applicant fails to recognize the scope of the claims when judged in view of the '729. (Cf. In re Geuns, 26 USPQ 2nd 1057 (Fed. Cir. 1993)).

Furthermore the Office saith not.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Phan whose telephone number is 703-605-0707. The examiner can normally be reached on Monday - Friday, 9AM - 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter VO can be reached on 703-308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

TP

Tim Phan
Examiner
Art Unit 3729

CJA
CARL J. ARBES
PRIMARY EXAMINER

tp
April 2, 2004